

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA  
FOURTH DIVISION

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In re:

Case No.: 04-40720

*Russell S. Crawford, and  
Lisa R. Crawford,*

Chapter 13 Case

Debtor(s).  
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**TRUSTEE'S RESPONSE TO NOTICE OF HEARING AND MOTION TO WITHDRAW**

TO: All parties in interest pursuant to Local Rule 9013-3.

1. Jasmine Z. Keller, Chapter 13 Trustee (the "Trustee"), by and through her undersigned counsel, makes the following response to the Notice of Hearing and Motion to Withdraw (the "Motion").

2. The court will hold a hearing on the Motion at 10:30 a.m. on October 6, 2004, in Courtroom No. 7 West, United States Courthouse, 300 South 4<sup>th</sup> Street, Minneapolis, Minnesota.

3. As of September 22, 2004, the debtor(s) have paid a total of \$4,950 to the Trustee. The debtors are current in payments to the Trustee, through the month of August 2004. The debtors' Chapter 13 plan was confirmed on July 8, 2004.

4. There is pending before this Court a motion for relief from the automatic stay, filed by Ameriquest Mortgage Co., which is scheduled for hearing on September 23, 2004 at 2:30 p.m. The deadlines for responding to the motion for relief from stay have passed and no response has been filed by the debtors. With the exception of the pending motion for relief from the automatic stay, there do not appear to be any other matters or proceedings pending in this case before this Court.

5. Although a potential violation of Rule 1.7 of the Minnesota Rules of Professional Conduct (the "Rules"), regarding conflicts of interest, is a basis for mandatory withdrawal under Rule 1.16(a) of the Rules, the Motion is vague as to the specific nature of the alleged conflict of interest. The Trustee leaves it to the discretion of the Court whether to grant the Motion on the basis of the written record only.

6. The attorneys for Ameriquest Mortgage Co. have filed a request for notices under FRBP 2002 and 9010, but it does not appear that the Motion was served on them. The Movant should serve these attorneys with the Motion and file proof of such service with the clerk of bankruptcy court.

WHEREFORE, the Trustee states that she **does not oppose the court's granting the relief requested in the Motion.**

Jasmine Z. Keller, Chapter 13 Trustee

Dated: September 22, 2004

Signed: /e/ Thomas E. Johnson  
Thomas E. Johnson, ID # 52000  
Margaret H. Culp, ID # 180609  
Counsel for Chapter 13 Trustee  
310 Plymouth Building  
12 South 6th Street  
Minneapolis, MN 55402  
(612) 338-7591

### **VERIFICATION**

I, Thomas E. Johnson, employed by Jasmine Z. Keller, the Chapter 13 Trustee, declare under penalty of perjury that the foregoing is true and correct.

Executed on: September 22, 2004

Signed: /e/ Thomas E. Johnson

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**UNSWORN DECLARATION FOR PROOF OF SERVICE**

I, Thomas E. Johnson, employed by Jasmine Z. Keller, Chapter 13 Trustee, declare that on September 22, 2004, I served Trustee's Response to Notice of Hearing and Motion for Leave to Withdraw on the individual(s) listed below, in the manner described:

**By e-mail:**

United States Trustee  
1015 United States Courthouse  
300 South 4<sup>th</sup> Street  
Minneapolis, MN 55415

**By first class U.S. mail, postage prepaid:**

Curtis K. Walker, Esq.  
Attorney at Law  
4356 Nicollet Ave. S.  
Minneapolis, MN 55409

Russell S. Crawford  
Lisa R. Crawford  
28874 Flamingo St. NW  
Isanti, MN 55040

Buchalter, Nemer, Fields & Younger  
Shannon A. Chlarson  
Attorneys for Ameriquest Mortgage Company  
18400 Von Karman Avenue, Suite 800  
Irvine, CA 92612

Chase Manhattan Bank USA, NA by  
eCAST Settlement Corp. as its agent  
Becket and Lee LLP, Attorneys/Agent  
P.O. Box 35480  
Newark, NJ 07193-5480

eCAST Settlement Corporation, assignee of  
Providian National Bank  
Becket and Lee LLP, Attorneys/Agent  
P.O. Box 35480  
Newark, NJ 07193-5480

Household Bank and its assigns  
by eCAST Settlement Corp., as its agent  
Becket and Lee LLP, Attorneys/Agent  
P.O. Box 35480  
Newark, NJ 07193-5480

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed: September 22, 2004

/e/ Thomas E. Johnson